

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ERNEST L. ROTHGEB,	:	
Plaintiff,	:	
vs.	:	Case No. 3:08cv00115
MICHAEL J. ASTRUE,	:	District Judge Thomas M. Rose
Commissioner of the Social	:	Magistrate Judge Sharon L. Ovington
Security Administration,	:	
Defendant.	:	

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**DECISION AND ORDER**

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This case was previously remanded to the Social Security Administration for further consideration. (Doc. #s 11, 12). The case is now before the Court upon the Motion For Allowance Of Attorney Fees Pursuant to 42 U.S.C. §406(b)(1) by Plaintiff's counsel. (Doc. #17). The Commissioner does not object to the Motion. *Id.* at 102. Counsel presently seeks an Order approving, under §406(b)(1), attorney fees in the amount of \$10,487.75. But Plaintiff's counsel is also requesting that "she be paid only an additional \$7,087.75..." in attorney fees due to a prior award of \$3,400.00 in attorney fees under the Equal Access to Justice Act. (Doc. #17 at 102-03).

In the absence of opposition by the Commissioner, counsel's Motion and supporting Exhibits establish that approval of \$10,487.75 in attorney fees is warranted, as

is an Order requiring payment of the reduced amount of attorney fees – \$7,087.75 – she seeks.

Accordingly, the Court hereby **ORDERS** that:

1. The Motion For Authorization of Attorney Fees Pursuant to 42 U.S.C. §406(b)(1) (Doc. #17) is GRANTED;
2. An award of Plaintiff's attorney fees in the amount of \$10,487.75 is approved, and the Commissioner is directed to remit a reduced amount – \$7,087.75 – to Plaintiff's counsel; and
3. The case remains terminated on the docket of this Court.

September 1, 2010

*\*s/THOMAS M. ROSE*

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Thomas M. Rose  
United States District Judge